

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

J.D.,

Plaintiff,

-v.-

KEVIN SPACEY,

Defendant.

24 Civ. 8630 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

Rule 10(a) of the Federal Rules of Civil Procedure requires that “all the parties” be named in the title of a complaint. The Complaint in this case was filed under a pseudonym without leave of this Court.<sup>1</sup> ECF No. 1-1 (Complaint). “Plaintiff[] may not proceed anonymously unless [he] first seek[s] and receive[s] permission to do so.” *Doe v. Combs*, 24 Civ. 7973 (RA) (S.D.N.Y. Oct. 21, 2024) (citing *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189 (2d Cir. 2008)); *see also Rapp v. Fowler*, 537 F. Supp. 3d 521, 526-27 (S.D.N.Y. 2021) (concluding in removed case that “[d]istrict courts have discretion to grant an exception to Rule 10(a) only where the litigant seeking to proceed anonymously has a substantial privacy interest that outweighs any prejudice to the opposing party and ‘the customary and constitutionally-embedded presumption of openness in judicial proceedings’” (quoting *Sealed Plaintiff*, 537 F.3d

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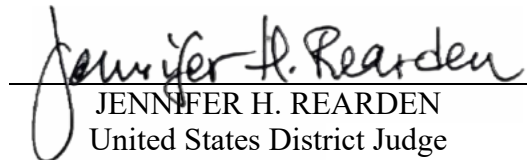
<sup>1</sup> On September 29, 2023, Plaintiff commenced this action in New York State Supreme Court, New York County, by filing the underlying Complaint. ECF No. 1-1. On October 4, 2023, Plaintiff requested an Order to Show Cause pursuant to CPLR § 6301 “seeking a Temporary Restraining Order deeming Plaintiff’s use of the pseudonym ‘J.D.’ . . . to be proper[.]” ECF No. 1-3 at 5. On November 20, 2023—prior to Defendant having been served and defense counsel having entered an appearance—the State Court ruled that “plaintiff’s application is granted [but that] . . . should the defendant object to this at a later time the Court shall consider arguments on the issue.” ECF No. 1-10 (Decision & Order granting application in part). Nearly a year later, on October 15, 2024, Defendant accepted service and counsel appeared in the State action. ECF Nos. 1-24 to 1-26. Prior to filing any objection to Plaintiff proceeding pseudonymously in State Court, Defendant removed the action to this Court. ECF No. 1.

at 189)). By **December 9, 2024**, Plaintiff shall file a motion seeking leave to proceed under a pseudonym. Failure to comply with this directive will result in Plaintiff being named without further notice.

Moreover, by **December 5, 2024**, to enable the Court to check for any conflicts that would require recusal, Plaintiff shall file **under seal** a declaration disclosing his identity to the Court. To ensure that his name does not appear on the public docket, Plaintiff should entitle the declaration “Declaration of J.D.”

SO ORDERED.

Dated: November 30, 2024  
New York, New York

  
JENNIFER H. REARDEN  
United States District Judge